
Denial and Revocation of Teacher License, Rule Revision

The Background:

State Board of Education Rule 0520-2-4-.01(9) allows the Board to deny license applications and revoke teaching licenses. License applicants or licensed teachers may seek restoration of denied or revoked licenses, pursuant to the rule.

The current rule does not include any disciplinary action short of revocation, nor does it stipulate any penalty for failure of superintendents to report as required by the rule. The current rule has also caused confusion about when superintendents should report, when individuals may apply for restoration and whether that application would be granted automatically or on a case by case basis.

A task force composed of representatives from the Board, the Department of Education, TEA, TSBA, TOSS, teacher training institutions and school district administrators has met several times during the last year to revise the rule and will work together to coordinate training for current and future educators on the misconduct which could lead to revocation of a teaching license.

The task force proposes to amend the rule to include the following actions against licenses:

1. Denial of license applications for all of the current grounds, but also for having had a license suspended or revoked in another jurisdiction or for default on student loans.
2. Automatic revocation following conviction for certain criminal offenses (violent crimes and felony drug offenses) which are already grounds for automatic dismissal.
3. Revocation or suspension for all of the current grounds (including breach of test security as outlined in Tenn. Code Ann. § 49-1-607).

The revised rule defines “conviction” to include pre-trial diversion and clarifies the reporting requirement for superintendents. Failure to report as required may be grounds for suspension or revocation of the superintendent’s license.

Suspended licenses may be automatically reinstated after the suspension period and the individual has complied with any other terms imposed by the Board. In the case of license revocation, the Board may also include terms such as the minimum time required before an individual may apply for restoration.

The Recommendation:

The Task Force recommends adoption of the rule revision on final reading. The SBE staff concurs with this recommendation.

Amended Rule Denial and Revocation of License

Paragraph (9) of Rule 0520-2-4-.01 General Information and Regulations is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the rule shall read:

Proposed TN Rule 0520-2-4-.01(9)

(9) Denial, Suspension and Revocation of License.

- (a) Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. § 40-35-501(i)(2) or T.C.A. § 39-17-417 (including conviction on a plea of guilty or nolo contendere). The Board will notify persons whose licenses are subject to automatic revocation at least 30 days prior to the Board meeting at which such revocation shall occur.
- (b) Denial, Suspension or Revocation of License. The State Board of Education may revoke, suspend or refuse to issue or renew a license for the following reasons:
 - 1. Conviction of a felony,
 - 2. Conviction of possession of narcotics,
 - 3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
 - 4. Falsification or alteration of a license or documentation required for licensure,
 - 5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
 - 6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to T.C.A. § 49-1-607, default on a student loan pursuant to T.C.A. § 49-5-108(d)(2) or failure to report under part (e).

For purposes of this part (b), “conviction” includes conviction on a plea of guilty, a plea of nolo contendere or an order granting pre-trial diversion.

A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.

(c) Restoration of License.

1. A person whose license has been suspended shall have the license restored after the period of suspension has been completed, and, where applicable, the person has complied with any terms prescribed by the State Board. Suspended licenses are subject to expiration and renewal rules of the Board.
2. A person whose license has been denied or revoked under parts (a) or (b) may apply to the Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.

- (d) Notice of Hearing. Any person whose license is to be denied, suspended or revoked under part (b) or who is refused a license or certificate under part (c) shall be entitled to written notice and an opportunity for a hearing to be conducted as a contested case under the Tennessee Uniform Administrative Procedures Act, T.C.A. §4-5-301, et seq.
- (e) Notification of Office of Teacher Licensing. It is the responsibility of the superintendent of the employing public or non-public school or school system to inform the Office of Teacher Licensing of licensed teachers or administrators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under parts (a) or (b). The report shall be submitted within thirty (30) days of the suspension, dismissal or resignation. The superintendent shall also report felony convictions of licensed teachers or administrators within 30 days of receiving knowledge of the conviction.